

## **OPEN LETTER TO TOWN MEETING, May 20, 2013 re Articles 29 & 38**

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Tonight, at long last, Amherst Town Meeting will begin to consider articles that establish a rental permit system to manage the kinds of safety, health and behavioral problems afflicting Amherst neighborhoods. The two articles before Town Meeting represent more than a year's effort by concerned citizens (CAN) well as the town's Safe and Healthy Neighborhoods Working Group.

A rental permitting system will help to stabilize our communities. Evidence in many college towns has demonstrated that rental permits really do capture the attention and cooperation of otherwise negligent landlords, and encourage the good business practices of cooperative landlords. Because permits can be suspended in cases of chronic or egregious non-compliance, owners and landlords in towns that already have rental permits in place, have been shown to follow their business interests by avoiding violations, coming into compliance with bylaws, and amicably resolving complaints.

The notion of a Rental Permit is new to Amherst. It has given rise to understandable fears, misconceptions and misinformation about what a Rental Permit will mean. Here are some concerns that we have heard – along with assurances that we can offer.

### **"Permitting is too harsh":**

Far from it. The permit process begins with a landlord's self-certification as to the conditions of the rental, and inspections are entirely complaint driven. Article 29 bends over backwards to be reasonable to landlords. What is being proposed is the minimum needed for an effective and enforceable rental system, much "lighter" than those in other towns.

### **"Another bureaucracy":**

Permitting doesn't create any new laws or bureaucracies governing rentals, but rather provides an enforcement and compliance mechanism for existing bylaws. The town currently lacks enforcement and compliance mechanisms. At present, there is only one recently-hired code enforcement officer who, in his first year, has had to respond to long-standing complaints in numerous non-compliant rental units. Even so, he has already made a tremendous difference. Articles 29 or 39 both would result in only one additional code enforcement officer more being hired. Hardly a bureaucracy.

### **"Invasion of Privacy":**

Rental permitting and inspections are legal and in use in towns and cities in Massachusetts and across the country. Rental permits are not unconstitutional or discriminatory or a violation of the Fourth Amendment against unreasonable search and seizures. All property owners, including homeowners, are already subject to

inspection under state law for health and code standards, and Articles 29 and 38 now include violations of Amherst noise and nuisance bylaws.

### **"Permitting Is Bad For Business":**

Despite claims to the contrary, landlords will continue to obtain loans at standard market interest rates with permitting, as do landlords in Ann Arbor (MI), State College (PA), Newark (Delaware), Boulder (CO), Boston (MA) and Provincetown (MA), among other college towns, where rental permitting has long been established. Bank loans are based on evidence of business, and there is an assured off-campus rental business in Amherst as in other college towns. Better maintained and supervised rentals are good for property values and thus good for everyone.

### **"You Need a PhD to Fill Out the Self-Compliance Form":**

Most jurisdictions require inspections prior to obtaining permits. In the case of Amherst, a simple form for self-certification is a concession to landlords. The form is one page, with boxes to be checked off, relating to health and safety regulations already in place. Anyone can easily fill it out, online or in person with staff support.

### **"Doesn't Address Nuisance and Behavioral Issues":**

The proposals include explicit language that complaints can be made based on nuisance and behavioral issues and that complaints will be followed up by one of the two (proposed) code enforcement officers. Chronic or egregious violation of Amherst bylaws, if ignored by landlords, will generate a transparent process toward voluntary compliance, or failing that, toward suspension of the permit to rent.

### **"98% of Landlords already comply with bylaws, only 2% are non-complaint"**

We hope this is true and we also know that regulations and laws are needed to encourage compliance. Speed and alcohol limits for drivers, health regulations for restaurants, sanitation bylaws, pet licenses, all protect the health and well-being of the public and negatively affect only the violators. If voluntary behavior could be counted on to protect public health and safety, we wouldn't need police or prisons or fines.

Permitting is not the answer to all that ails Amherst, but it is an indispensable part of the solution. A comprehensive solution will ultimately depend on the good will of the major players – the University, the Town, the neighbors – who will need to decide on the appropriate locations for attractive off-campus student complexes built through public/private partnerships.